



PATENT
2507-1074

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Carmelo Francesco MELCHI et al. Conf. 6575

Application No. 10/553,996 MAIL STOP PCT

PCT Filed April 15, 2004 Attn: PCT Legal Office

AUTOMATIC DETECTION OF SKIN LESIONS

PETITION UNDER 37 CFR §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 2, 2007

Sir:

It is respectfully requested that the above-identified application be accepted under the provisions of 37 CFR §1.47(a) even though the first listed inventor, namely Mr. Carmelo Francesco MELCHI, has refused to execute the application papers.

In response to the accompanying Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office mailed on 2 October 2006, there is submitted herewith:

1) a 37 CFR §1.497 Combined Declaration and Power of Attorney listing both inventors, but signed by only the other inventor, Mr. Oscar BELLERINO, on his behalf, as well as on behalf of the non-signing inventor Carmelo Francesco MELCHI;

2) a copy of an assignment from the signing inventor in favor of a) Provincia Italiana Della Congregazione Dei Figli

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Dell'Immacolata Concezione - Instituto Dermopatico

Dell'Immacolata and b) Tecnoteam S.R.L., along with Form PTO-1595
which was submitted for recordation via facsimile on even date;

3) a joint declaration of Mr. Maurizio SARPI and Mr. Antonio FEZZARDI, the Italian patent attorneys of the Italian law firm Studio Ferrario, who have firsthand knowledge of the circumstances surrounding Mr. Carmelo Francesco MELCHI's refusal to execute the application papers.

In their joint declaration, it is established that the non-signing inventor Dr. Carmelo Francesco MELCHI was employed by the first assignee, namely Provincia Italiana Della Congregazione Dei Figli Dell'Immacolata Concezione - Instituto Dermopatico Dell'Immacolata.

On October 7, 2005 Mr. SARPI mailed to Dr. Antonello SACCO at the address of the first assignee, a Combined Declaration and Power of Attorney, as well as an assignment requesting that Mr. MELCHI execute the same. A copy of the letter together with its English translation are attached.

Mr. SARPI declares that Dr. Antonello SACCO from the Legal Office, and Dr. Elisabetta AGOSTINI from the Technology Transfer Office reminded Mr. MELCHI to execute these documents on several occasions via telephone.

On November 28, 2005, Mr. Elisabetta AGOSTINI wrote to Mr. MELCHI, again inviting him to execute the documents. A copy

of this letter, as well as an English translation thereof is attached.

There were several other attempts to convince Mr. Francesco MELCHI to sign the documents; however, such attempts proved unfruitful.

Finally, on November 7, 2006 and on advice of the undersigned to Studio Ferrario, Dr. Elisabetta AGOSTINI sent by registered mail to Mr. MELCHI at his last known address, namely: Via Della Balduina, 120 I-00136 Rome, Italy, a complete copy of the application papers, including the transmittal letter to the United States Designated/Elected Office, the Application Data Sheet, the Information Disclosure Statement, the preliminary amendment, the International publication WO 2004/095372 together with the Combined Declaration and Power of Attorney and assignment for his signature. The copy of the registered letter dated November 7, 2006 together with its English translation as well as the registered mail acknowledgement of receipt are enclosed.

From the signed acknowledgement of receipt, it is evident that Dr. Carmelo Francesco MELCHI resides at that address, and that the application papers were duly delivered to him.

It is both Mr. SARPI's and Mr. FEZZARDI's conclusions that a bona fide attempt and diligent efforts were made to present Mr. Carmelo Francesco MELCHI the complete application

papers for execution. However, to date, it is evident and readily apparent that Mr. Carmelo Francesco MELCHI refuses to execute such papers and join in the application papers.

4) a declaration of Dr. Elisabetta AGOSTINI attesting on her various attempts to obtain Mr. MELCHI's signature of the documents, and corroborating her mailing of the complete application papers via registered mail to the non-signing inventor at his last known address on November 7, 2006. Dr. AGOSTINI similarly concludes that Mr. MELCHI has definitely refused to execute the application papers.

In view of the above facts, and accompanying documents, it is respectfully requested that the above-identified application be accepted under the provisions of 37 CFR §1.47(a), even though Mr. Carmelo Francesco MELCHI has refused to execute the application papers.

The Commissioner is hereby authorized to charge counsel's deposit account No. 25-0120 the sum of \$1,220 as follows:

- \$1,020 for the 37 CFR §1.17(a)(3) extension of time for responding within the third month under fee code 1253; and

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- \$200 for the requisite 37 CFR §1.17(g) petition fee
under fee code 1463.

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.

10/553,996

FIRST NAMED APPLICANT
Carmelo Francesco Melchi

ATTY. DOCKET NO.
2507-1074

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INTERNATIONAL APPLICATION NO.
PCT/IT04/00217

I.A. FILING DATE
04/15/2004

PRIORITY DATE
04/22/2003

OCT 4 2006

CONFIRMATION NO. 6575
371 FORMALITIES LETTER



OC000000020661548

Date Mailed: 10/02/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Copy of IPE Report filed on 10/21/2005
- Preliminary Amendments filed on 10/21/2005
- Information Disclosure Statements filed on 10/21/2005
- Request for Immediate Examination filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005

DOCKETED

December 2, 2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*



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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/553,996	PCT/IT04/00217	2507-1074

FORM PCT/DO/EO/905 (371 Formalities Notice)